

ORDINANCE NO. 015-023

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES TO PROVIDE ADDITIONAL AUTHORITY FOR CODE ENFORCEMENT, REVISED PROPERTY MAINTENANCE STANDARDS, REGULATIONS FOR VEHICLES OFFERED FOR SALE, REGULATIONS FOR OUTSIDE STORAGE IN RESIDENTIAL AREAS, REGULATIONS FOR ACCESSORY STRUCTURES, REGULATIONS FOR DRIVEWAY REQUIREMENTS, REGULATIONS FOR THE PARKING OF RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTY, REGULATIONS FOR PORTABLE STORAGE STRUCTURES, ENHANCED FENCE REGULATIONS, AND TO REQUIRE GRAFFITI REMOVAL WITHIN 48 HOURS; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, has determined that the amendments set forth herein will provide for and will be in the best interests of the health, safety and welfare of all persons within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated herein for all purposes.

Section 2. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-6 – Enforcement, which shall read in its entirety as follows:

Sec. 18-6. – Enforcement.

The provisions of this Chapter may be enforced by any Town of Addison police officer, the Building Official or the City Manager and his/her designees.

Section 3. Chapter 18 (Buildings and Building Regulations), Section 18-125 – Weeds, shall be amended to read in its entirety as follows:

Sec. 18-125. – Weeds.

The International Property Maintenance Code is amended by changing the first sentence in subsection 302.4 to read as follows:

"All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches for residential property and 8 inches for non- residential property."

Section 4. Chapter 34 (Environment), Section 34-37 – Removal of dangerous trees and shrubs shall be and is hereby repealed and Section 34-37 shall be added to the Reserved sections.

Section 5. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-128 – Standards for trees, plants and shrubs, which shall read in its entirety as follows:

Sec. 18-128. – Standards for trees, plants and shrubs.

(a) Standards for trees, shrubs and plants are as follows:

- (1) Trees, shrubs and plants shall not obstruct the access to or from any door or window of any structure which is used, or is required by city codes and ordinances to be used, for ingress and egress.
- (2) Trees, shrubs or plants shall not create a hazard or an obstruction and shall be maintained within the following minimum clearances:
 - a. Overhead clearance of public sidewalks and other public pathways, seven feet vertical clearance.
 - b. Lateral clearance of public sidewalks and other public pathways, six inches from each edge of the sidewalk or pathway.
 - c. Overhead clearance of streets and alleys, tree limbs and other projections over the street shall be maintained at a minimum of 14 feet vertical clearance above the pavement of the street.
 - d. Lateral clearance of streets and alleys, no encroachment over or above the back of curb or the edge of pavement.
 - e. Sight clearance for signs erected by the city, unobstructed sight distances of 100 feet.
- (3) Trees, shrubs or plants that are dead or which are hazardous to persons or property shall be removed. Any tree, shrub or plant that appears to have lost more than 75 percent of its living foliage shall be considered dead.
- (4) Trees, shrubs or plants shall not obstruct or interfere with:
 - a. A curb, gutter, street, or sidewalk;
 - b. Sewer or water lines, or other public utility;
 - c. A planned public improvement;
 - d. The view or movement of pedestrian or vehicular traffic.

Section 6. Chapter 18 (Buildings and Building Regulations) shall be amended to add a new Section 18-129 – Vehicles being offered for sale, which shall read in its entirety as follows:

Sec. 18-129. – Vehicles being offered for sale.

- (a) In all zoning districts, vehicles being offered for sale shall not be parked or stored in the public right-of-way or on public property.
- (b) In residential zoning districts, no more than two vehicles may be parked and offered for sale in a calendar year on the same property. Said vehicles must be registered to the occupant of the property.
- (c) In nonresidential zoning districts, vehicles shall only be offered for sale on property that has a current certificate of occupancy that allows vehicle sales.
 - (1) This shall not apply to a vehicle used by a person employed on that property, if said vehicle is registered to the employee, is used by the employee as their method of transportation to and from the property, and is located on the property only when the employee is on the property.

Section 7. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-130 – Outside storage in residential areas, which shall read in its entirety as follows:

Section. 18-130. – Outside storage in residential areas.

It shall be unlawful for any person to allow, permit, conduct or maintain any outside storage on any portion of a lot or tract, outside of an enclosed structure or under a carport or covered patio or other projecting overhang, for a continuous period in excess of seven days during a calendar year within the city. Each day during which outside storage occurs shall constitute a separate offense.

- (a) Prohibited outside storage for this section shall include, but not be limited to, the following items stored in a manner other than in an enclosed building:
 - (1) Building material
 - (2) Supplies, materials or other matter associated with a home occupation
 - (3) Supplies, materials or other matter associated with a nonresidential activity
 - (4) Chemicals
 - (5) Furniture
 - (6) Appliances not designed for outdoor use
 - (7) Tools, mobile and/or mechanical equipment not connected with a residential use
 - (8) Lawn maintenance equipment
 - (9) Motor vehicle parts and/or accessories including but not limited to engines, transmissions, electrical parts, suspension parts, vehicle body parts, batteries, tires,

- wheels, hubcaps and other motor vehicle parts.
- (10) Other items of personal property which are not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside environment; or
 - (11) Trash, garbage or other refuse.
- (b) It shall be an affirmative defense to prosecution
- (1) In the case of all outside storage which is not deemed a nuisance, that such storage:
 - a. Does not occupy more than one percent of the lot area (measured by a single rectangle that would encompass all such outside storage); and
 - b. Is screened from view from private or public property by a solid fence, wall, landscaping, or a combination thereof.
 - (2) In the case of building material, that such material is stored in a workman like manner in compliance with the building code as part of, and in conjunction with, an active building permit.
 - (3) In the case where the item is:
 - a. Awaiting pick up by the city or other sanitation service;
 - b. In a container or bag as approved by the city; and
 - c. In an approved location for the city or other sanitation service pickup.
 - (4) In the case of furniture, that such furniture is designed and constructed for outside use, and further, that such furniture is in good condition and is not deteriorated.

Section 8. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-131 – Accessory structures, which shall read in its entirety as follows:

Section. 18-131. – Accessory structures.

All accessory structures, including but not limited to carports, awnings, patio covers, garages, sheds, and storage buildings, shall be maintained structurally sound, and free of deterioration. All accessory structures shall be protected from the elements by periodic painting, staining or other weatherproofing or surface protection.

Section 9. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-132 – Driveway requirements, which shall read in its entirety as follows:

Sec. 18-132. - Driveway requirements.

- (a) All driveways, circular driveways and access drives to improved parking surfaces shall be constructed as a continuous improved surface of concrete, brick pavers, or paverstone, designed to support vehicular weight and installed on an approved base course or other hard surfaced durable material designed to support vehicular weight

approved by the building official.

- (b) Driveways and improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks, spalling, or other failures that may affect the use, drainage from the property, drainage on adjoining property or the longevity of the material.
- (c) Driveways and improved parking surfaces shall be designed and constructed in compliance with the improved driveway standards of the city.
- (d) Driveway surfaces must be located a minimum of two feet from an interior side property line unless prior approval, recorded in the property records of Dallas County, Texas, has been obtained from the adjoining property owner. Where driveways are located parallel and adjacent to a side street property line, a minimum of five feet shall be provided between the surface and the property line.

Section 10. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-133 – Recreational vehicles – Residential uses, which shall read in its entirety as follows:

Sec. 18-133. – Recreational vehicles – Residential uses.

On property zoned for residential uses, except multi-family, a recreational vehicle may be stored on the property in accordance with the following:

- (1) For purposes of this Section, “recreational vehicle” includes motor homes, campers, trailers, boats and other aquatic vehicles, all-terrain vehicles and other vehicles used for recreational purposes.
- (2) Not more than one recreational vehicle may be stored on the property if:
 - (a) It is located behind the front building line; and
 - (b) It is screened from public view by a fence or wall not less than 6 feet in height

Section 11. Chapter 18 (Buildings and Building Regulations), shall be amended to add a new Section 18-134 – Portable storage structure, which shall read in its entirety as follows:

Sec. 18-134. – Portable storage structure.

- (1) The term “portable storage structures” shall be defined to be: any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

- (2) A portable storage structure may be located as a temporary structure on property within the city for a period not exceeding 5 days in duration from time of delivery to time of removal. Each day that a portable storage structure remains after the removal date shall constitute a violation.
- (3) No more than one portable storage structure may be located on a specific piece of property within the city at one time. Such temporary structures may not be located on a specific property more than one time in any given thirty-calendar-day period. Such temporary structure shall be located no closer than 10 feet to the property line and must be placed on an improved surface. Such structure may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length.
- (4) It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure.
- (5) Any portable storage structure shall be removed immediately upon the direction of a law enforcement officer for removal of such temporary structure for safety reasons.

Section 12. Chapter 18 (Buildings and Building Regulations), Section 18-619 – Barbed wire – Residential uses, shall be renamed and amended to read in its entirety as follows:

Sec. 18-619. – Fence Materials – Residential uses.

Fences within residentially zoned areas of the city, shall be constructed of new materials or products such as, wood planks, and boards, masonry as defined by the building code, and wrought iron or ornamental iron. Materials or products such as rope; string; wire; and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics; chain; netting; cut or broken glass; paper; corrugated metal panels; and plywood are prohibited. Other wood, metal or plastic products that are designed specifically for uses other than fence construction are also prohibited.

Section 13. Chapter 18 (Buildings and Building Regulations), Section 18-620 – Same – Nonresidential uses, shall be renamed and amended to read in its entirety as follows:

Sec. 18-620. – Barbed wire – Nonresidential uses.

In nonresidential areas, fences armed with barbed wire are allowed if such arms are located above six feet from the bottom of the fence. Such arms may not extend over public right-of-way or easements or over private property of another person.

Section 14. Chapter 18 (Buildings and Building Regulations) shall be amended to add a new Section 18-624 – General fence provisions, which shall read in its entirety as follows:

Sec. 18-624. – General fence provisions.

- (a) Fences that are constructed on any property within the city must be of approved materials and must be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it must be carried throughout the entire length of the fence section from corner post to corner post.
- (b) It shall be unlawful to erect a fence which alters the natural or planned drainage on any residential lot.
- (c) Used or secondhand materials shall not be used in the construction of any fence in a residential area.
- (d) The exterior surface of all masonry fences, including concrete block materials, shall be free from projections, inequalities or unevenness of surface, ridges or hollows, and obstructions. The exterior surface of wood fences in residential areas shall be finished with a stain, pigment, paint or other surface treatment or material that is consistent with other finishes existing on the primary structure existing on the property.
- (e) All fence materials, construction, and workmanship shall comply with all requirements of the building code and all approved plans and specifications.

Section 15. Chapter 34 (Environment), Section 34-115 – Graffiti, shall be amended to read in its entirety as follows:

Sec. 34-115. – Graffiti.

It shall be unlawful for any person or firm owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti from such property within 48 hours from receipt of the notice described in this article.

Section 16. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to a penalty as provided by Section 1-14 of the Code of Ordinances of the Town of Addison, Texas.

Section 17. SAVINGS CLAUSE

All rights and remedies of the Town of Addison, Texas, are expressly saved as to any and all violations of the provisions of this Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 18. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the Town of Addison, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 19. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

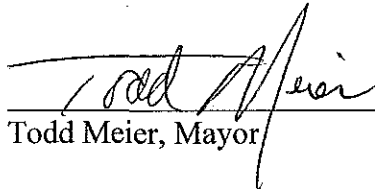
Section 20. REPEALER CLAUSE

Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 21. EFFECTIVE DATE

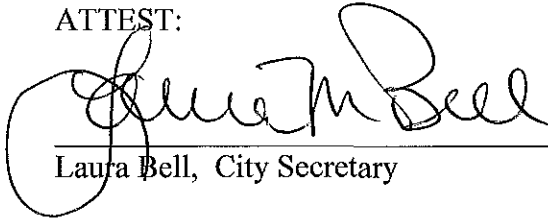
This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the Town of Addison, Texas, on this the 13 day of October, 2015.



Todd Meier, Mayor

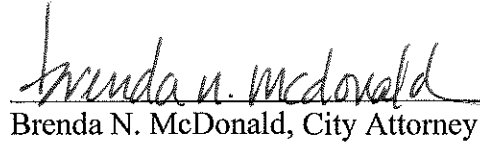
ATTEST:



Laura Bell, City Secretary



APPROVED AS TO FORM:



Brenda N. McDonald, City Attorney